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## NOTICE

The undermentioned *Gazettes of India Extraordinary* were published upto the 1st January, 1960.

Issue No.	No. and date	Issued by	Subject
151	No. RS 1/5/59-L, dated 24th December, 1959.	Rajya Sabha Secretariat	The President proclaims the Rajya Sabha.
152	No. 1-266-T(I)/59, dated 26th December, 1959	Lok Sabha Secretariat.	The President proclaims the Lok Sabha.
153	No. 132-ITC(PN)/59, dated 26th December, 1959.	Ministry of Commerce and Industry.	Import policy for 'Argenti Proteinum and Argenti Proteinummit' during October, 1959—March, 1960, period.
154	No. 133-ITC(PN)/59, dated 28th December, 1959.	Do.	Import policy for 'Ultrumantine blue'—October, 1959—March 1960, period.
155	No. 134-11C(PN)/59, dated 30th December, 1959.	Do.	Import policy for items for which an interim policy was originally announced.
156	No. 135-ITC(PN)/59, dated 31st December, 1959. No. 18/59, dated 31st December, 1959.	Do.	Import of spare parts of Pressure Cookers—October, 1959—March 1960, period. Details regarding Open General Licence No. IX.
1	3-1G(7)/59/II, dated 1st January, 1960.	Do.	Cancelling notifications No. 12(I)-TR/59, dated 26th November, 1959, No. 8(I)-T.R./59, dated 26th November, 1959 and No. 18(I)-T.R./1959, dated 1st December, 1959.
2	No. RS.1/1/60-L, dated 1st January, 1960.	Rajya Sabha Secretariat	The President summons the Rajya Sabha to meet on 8th February, 1960.

Copies of the *Gazettes Extraordinary* mentioned above will be supplied on Indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

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**PART I—Section 1**

**Notifications relating to Non-Statutory Rules, Regulations and Orders and Resolutions issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Supreme Court**

**PRESIDENT'S SECRETARIAT***New Delhi, the 1st January 1960*

**No. 1-Prev./60.**—The President is pleased to award the Police Medal for gallantry to the undermentioned officer of the Bihar Police:—

*Name of the Officer and rank.*

Shri Srinivas Singh, Reserve Sergeant Major, Police Lines, Daltonganj, District Palamau.

*Statement of services for which the decoration has been awarded.*

Phetal Singh Kharwar, a resident of Bhahara village in Palamau district, Bihar, tried by a series of acts of lawlessness which disrupted the normal life of the people, to set himself up as a petty dictator there and in the adjacent district of Surguja in Madhya Pradesh. Cases were instituted against him and his followers for several acts of violence; and in order to avoid arrest he and his followers numbering about 200 entrenched themselves in a house and its compound in his village.

All efforts to arrest Phetal Singh and his principal lieutenants in the normal course having failed, a Police Force under a Magistrate was sent to persuade them to surrender. When verbal requests and warnings proved ineffective a lathi charge had to be ordered. This was countered by the pelting of stones, and the Police had to resort to firing. The mob then started to retreat but Phetal Singh and his lieutenants stayed in the house. Reserve Sergeant Major Srinivas Singh immediately took his party in and surrounded the house. A room to room search was made and Phetal Singh's lieutenants who resisted fiercely were over-powered and arrested.

Phetal Singh had concealed himself in a dark room in the house and was later found to have taken up his position on a platform in it near the roof. It was feared that he might be armed with a firearm. Sergeant Major Srinivas Singh went into the room alone to search it and Phetal Singh from his vantage point struck a blow with his axe at him which he managed to parry. He then grappled with Phetal Singh and arrested him.

Throughout this encounter Sergeant Major Srinivas Singh showed great courage and devotion to duty.

2. This award is made for gallantry under rule 4(i) of the rules governing the award of the Police Medal and consequently carries with it the special allowance admissible to officers of and below the rank of Inspector of Police as provided in Rule 5.

A. V. PAI, Secy.

**RAJYA SABHA SECRETARIAT***New Delhi, the 2nd January 1960*

**No. RS.19/1/60-L.**—Shri Purushottam Das Tandon an elected Member of the Rajya Sabha representing the State of Uttar Pradesh, has resigned his seat in the Rajya Sabha with effect from the 1st January, 1960.

S. N. MUKERJEE, Secy.

**MINISTRY OF FINANCE****(Communication Division)***New Delhi, the 30th December 1959*

**No. 5073/PTI/59.**—The President hereby directs that the following further amendment shall be made in the Post Office Savings Bank Rules, 1881, namely:—

Below rule 19 of the said Rules the following 'note' shall be added:

"Note:—A cheque drawn by the depositor in favour of the Postmaster may be accepted as initial deposit in a Saving Bank Account. The account will be opened with effect from the date on which the cheque is realised."

R. K. AGRAWAL, Dy. Secy.

**MINISTRY OF COMMERCE AND INDUSTRY***New Delhi, the 31st December 1959*

**No. 4(24)-TEX(C)/58.**—The Government of India hereby directs that the following amendments be made in the Ministry of Commerce and Industry's Resolution No. 4(21)-Tex(C)/58, dated the 27th November, 1958, as amended by Notifications No. 1(21)-TEX(C)/58, dated the 10th December, 1958, 18th December, 1958, 8th January, 1959, 30th January, 1959, 29th May, 1959, 11th July, 1959, 28th July, 1959, 17th September, 1959 and October, 1959.

The following may be added after serial number 55 of the Resolution:—

"56. General Manager, Handloom Export Organisation 98-Mowbrays Road, Madras-18—Member".

A. G. V. SUBRAMANIAM, Under Secy.

(Office of the Chief Controller of Imports and Exports)

**ORDER***New Delhi, the 31st December 1959*

**No. CCI/IC/61/59**—Whereas Messrs. Bright Pen Industries, 21, Leader Road, Allahabad (U.P.) or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. CCI/IC/61/59:2254, dated 18th November, 1959 (which has been returned undelivered by the Postal Authorities with the remarks "Left. To Sender" showing thereby that Messrs. Bright Pen Industries, 21, Leader Road, Allahabad (U.P.) have either left that place or are not in existence) proposing to cancel Licence No. A861071/59/AU/CCI, dated 16th September, 1959, valued at Rs. 15,000 for import of Cellulose Moulding Powder from the Soft Currency Area except Union of South Africa, granted in the name of the said Messrs. Bright Pen Industries, 21, Leader Road, Allahabad (U.P.) by the Deputy Chief Controller of Imports & Exports (Central Licensing Area) Shahjahan Road, New Delhi, Government of India, in the Ministry of Commerce & Industry, in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1953, hereby cancel the said licence No. A861071/59/AU/CCI dated 16th September, 1959, issued in the name of the said Messrs. Bright Pen Industries, 21, Leader Road, Allahabad (U.P.).

K. T. SATARAWALA,  
Chief Controller of Imports and Exports

(Office of the Jt. Chief Controller of Imports and Exports)

**NOTICE***Bombay, the 7th December 1959*

**No. 5-1-R-III/28/AS.58/SI.**—It is hereby notified that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1953, the Government of India in the Ministry of Commerce and Industry propose to cancel licence No. E.847268/57/EL/CCI/B, dated 7th May, 1959 valued at Rs. 1000/- for the import of Heald Cord and Heald Knitting needles jacquard machines, jacquard cords, punching plates for jacquard cards etc. covered by S.No. 5(1) (1) Part-III from S.C.A. except Union of S. & S. W. Africa inadvertently granted by the Office of the Jt. Chief Controller of Imports and Exports, Bombay to M/s. The Eastern Trading Agency, Kapasia Bazar, Post Railwarpura, Ahmedabad 2, unless sufficient cause against this is furnished to the Jt. Chief Controller of Imports and Exports, Gillian Mohil Bldg., Nicol Rd., Ballard Estate, Bombay, within 10 days of the date of issue of this notice by M/s. Eastern Trading Agency, Ahmedabad 2, or any Bank, or any party who may be interested in it.

In view of what is stated above M/s. The Eastern Trading Agency, Ahmedabad, or any Bank or any other party who may be interested in the said licence No. E.847268/57/EL/CCI/B, dated 7th May, 1959 are hereby directed not to enter into any commitments against the said licence.

K. V. DAVE,  
Dy. Chief Controller of Imports and Exports

**MINISTRY OF EDUCATION***New Delhi, the 31st December 1959*

**No. F.17-8/59-SW6.**—In partial modification of this Ministry's notification of No. F.17-1/58-SW6 dated 14th October, 1958 and 27th January 1959, the Government of India have been pleased to appoint the Deputy Educational Adviser to

the Government of India in charge of Social Welfare Division in the Ministry of Education—Shri Nauli Ram as member Secretary of the National Advisory Council for the Education of the Handicapped in place of Dr. R. K. Bhan.

By Order,  
Mrs. V. MULAY, Asst Edl. Adviser.

#### MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

New Delhi, the 31st December 1959

No. 5(19)/59-SR.I.—In pursuance of Article 89 of the Articles of Association of the National Research Development Corporation (a Company registered under the Companies Act of 1956) the President is pleased to reconstitute the Board of Directors of the Corporation for a period of three years with effect from the 1st of January 1960, and to appoint the following as Directors—

- (1) Prof. M. S. Thacker, Secretary to the Government of India, Ministry of S.R. & C.A.
- (2) Dr. D. S. Kothari Scientific Adviser to the Minister of Defence, New Delhi.
- (3) Shri A. V. Venkateswaran, Joint Secretary to the Government of India, Ministry of Finance, New Delhi.
- (4) Dr. G. P. Kaur, Senior Industrial Adviser, Ministry of Commerce and Industry, New Delhi.
- (5) Dr. B. D. Kalekar, Senior Industrial Adviser, Ministry of Commerce and Industry, New Delhi.
- (6) Shri T. R. Gupta, C/o Messrs Jay Engineering Works Ltd., 193, Prince Anwar Shah Road, Dhakuria, Calcutta.
- (7) Dr. M. D. Patil, C/o Messrs National Rayon Corporation Ltd., Fwurt House, Bruce Street, Fort, Bombay-1.
- (8) Shri Anantaramakrishnan, C/o Messrs Simpson & Co. Ltd., 202, 203, Mount Road, Madras.
- (9) Shri B. D. Kapur, C/o Messrs Atlas Cycles Ltd., Sonepat (Punjab).

2. In accordance with Article 103 of the Articles of Association, the President is pleased to nominate Prof. M. S. Thacker to be the Chairman of the reconstituted Board of Directors.

A. K. GHOSH, Jt. Secy.

#### MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

RESOLUTION

New Delhi, the 31st December 1959

No. 24-M.T.(6)/52.—In continuation of the Ministry of Transport and Communications, Department of Transport Resolution No. 24-M.T.(6)/52, dated the 29th October, 1959, the Central Government is pleased to appoint the following persons as members of the Merchant Navy Training Board for a period upto the 28th October 1961:—

1. Shri A. C. Roy, Principal, Bengal Engineering College, Botanic Garden Howrah—Representative of the All-India Council of Technical Education.
2. Shri Vikramsinh S. Vallabhdass, Malabar Steamship Co. Ltd., C.O. Indian National Steamship Owners' Association, Bombay—Representative of Federation of Indian Chambers of Commerce and Industry.
3. Capt. Inder Singh, Director of Naval Training, Naval Headquarters, New Delhi—Representative of Naval Headquarters.

#### ORDER

Ordered that a copy of this Resolution be communicated to the Private and Military Secretaries to the President, the Prime Minister's Secretariat, the Cabinet Secretariat, the Planning Commission, all the Ministries of the Government of India, all the State Governments, the Port Trusts, Bombay and Madras, the Port Commissioners, Calcutta, the Cochin Harbour Authority, the Visakhapatnam Port Authority and the Director General of Shipping.

Ordered also that the Resolution be published in the Gazette of India for general information.

R. L. GUPTA, Secy.

#### MINISTRY OF INFORMATION AND BROADCASTING RESOLUTION

New Delhi, the 4th January 1960

No. 24/7/59-FP.—The following amendment may be made to the Rules governing the working of the Film Advisory Board contained in Resolution of the Government of India in the Ministry of Information and Broadcasting No. 1/29/58-FP dated the 5th February, 1959.

For the existing Rule 5, substitute:—

"5. The Regional Officer of the Central Board of Film Censors at Bombay, or in his absence the Additional Regional Officer, or in the absence of both the Regional Officer and the Additional Regional Officer, the Assistant Regional Officer, shall be the Secretary of the Board".

R. K. RAMADHYANI, Secy.

#### CORRIGENDUM

New Delhi 2, the 1st January 1960

No. F.I/27/58-FP.—In this Ministry's notification No. 1/27/58-FP, dated the 18th December 1959, for the name 'Dr. B. V. Bal' substitute 'Dr. D. V. Bal'.

V. P. PANDIT, Under Secy.

#### MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 31st December 1959

No. LR-II-10(130)/58.—The following decision of Shri T. Jeejeebhoy, Industrial Tribunal, Bombay in respect of a matter referred to him under section 6 of the Industrial Disputes (Banking Companies) Decision Act, 1953, by the notification of the Government of India in the Ministry of Labour and Employment S.O. No. 1866, dated the 5th June, 1959, is hereby published for general information.

BEFORE SHRI T. JEEJEEBHOY, PRESIDING OFFICER,  
THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
BOMBAY

REFERENCE No. (CGIT)/20 of 1959

In the matter of:

- (1) The Punjab National Bank Limited, NAGPUR.
- (2) The Laxmi Bank Limited, AKOLA.

And

Their Workmen

- |  |   |
|--|---|
| APPEARANCE FOR THE<br>PUNJAB NATIONAL BANK | Om Prakash Gupta Staff Manager,<br>The Punjab National Bank Ltd.,<br>H. O. Delhi  |
| APPEARANCE FOR THE<br>LAXMI BANK           | B. S. Agarwal, Secretary, Laxmi<br>Bank Limited, H. O. Akola.   |
| APPEARANCE FOR THE<br>UNIONS.              | K. K. Mundul, Vice President A. I.<br>B. E. A. with R. M. Sarakhe,<br>General Secretary, Punjab National<br>Bank Shrank Union, and<br>G. G. Dixit, President, Laxmi<br>Bank Employees Union, Akola. |

#### AWARD

By its Order dated 5th June 1959, the Government of India in the Ministry of Labour and Employment referred to this Tribunal for decision a dispute which had arisen between the Punjab National Bank Limited, Nagpur, and Laxmi Bank Limited, Akola, and their workmen concerning the medical benefits to be given to apprentices. The Reference is in following terms:

Whether the directions regarding medical benefits contained in paragraph 450 of the award of the All India Industrial Tribunal (Bank Disputes) constituted by the notification of the Government of India in the Ministry of Labour, No. S.R. 35, dated the 5th January, 1952, modified by the decision of the Labour Appellate Tribunal, are applicable to the said paid apprentices.

2. This Reference is concerned with the interpretation of award concerning which a doubt or difficulty has arisen, in the opinion of the Central Government.

3. An apprentice is included in the definition of "workman" under section 2(s) of the Industrial Disputes Act. The Sastry Tribunal at paragraph 121 of its award has observed "As regards apprentices, those who are unpaid will not be workmen within the definition of the term. Such of them as are paid will, no doubt, satisfy the terms of the definition. It is not possible for us to lay down a general pay scale etc.

for them As this is a variable element a uniform rule is not possible It must be left to the discretion of the Banks to decide which apprentices should be paid and if so how much"

4 The Sastry Tribunal in paragraph 450 of its award has not excluded apprentices from medical benefits In paragraph 450 the Tribunal observes

'We are satisfied that the health of the family is primarily a charge of the pay and emoluments of an employee and not on the Bank The bank however is directly interested in maintaining a healthy work force, for a healthy workman is also an efficient workman other things being equal'

and then follow the several directions as to the manner in which the medical benefits are to be given to the workmen

5. The apprentices in the Punjab National Bank are given a stipend of Rs 10/- per month, if they are non-graduates and Rs 50/- a month if they are graduates. As in the case of apprentices elsewhere there is no promise of work after the period of apprenticeship but there is no doubt that the Bank too benefits by the work of the apprentices, for it cannot be said that it is only on the last day of an apprentice's appointment that he gets enlightenment Thus what has been said in paragraph 450 of the Sastry Award that the Bank is directly interested in maintaining a healthy work force would have application also to an apprentice The Labour Appellate Tribunal confirmed the award of the Sastry Tribunal on medical aid with small modifications and referred to it as an 'amenity'

6 The Banks however contend that they are not bound to give medical relief to their paid apprentices, and they draw attention to paragraph 497 of the Sastry Award

On behalf of the Banks it was urged that the Banks should be allowed free scope to engage apprentices as part time or full time and to pay them either nothing or less than what an ordinary clerk should get and that the apprenticeship period may go up to two years According to them the apprentices come to learn and not to do the work in the full sense and unlike the firms of accountants Banks do not charge any premium for training them We do not feel justified in compelling the banks to pay emoluments to such apprentices The matter must be left to their discretion Only there should be no discrimination But we direct that the period of apprenticeship except in the case of those who work in banks so as to qualify themselves for the examinations of the Institutes of Bankers should not exceed twelve months'

7 The Banks contend that by this direction they had the sole discretion to pay any emoluments or none at all This is correct and if they paid no such emoluments then the apprentices would not be 'workmen' But we are here concerned with the paid apprentices, and Banks have fixed their stipends according to their wishes and we must assume that the quantum of the stipend of the apprentices is not altogether a negligible factor

8 The Banks however go further and say that under paragraph 508 which deals with the classification of the employees the Tribunal has directed that the employees shall be classified into four categories namely,

- (a) permanent employees,
- (b) probationers,
- (c) temporary employees, and
- (d) part time employees

and the meaning to be attached to these expressions has also been given It is argued that as the apprentices do not find a place in this classification they cannot be regarded as being employees The apprentice may not be in the stream of classification but nevertheless his existence has been recognised by the award and directions have been given concerning his emoluments If he is a paid apprentice he becomes a workman and is entitled to the protection of the Act It may be that he is not entitled to the conditions of service which are applicable, say, to a permanent workman of the bank, but as the award says "The bank however is directly interested in maintaining a healthy work force a healthy workman is also an efficient workman other things being equal", and since the Bank is actually paying a stipend to the apprentice and getting work out of him, it could not be the intention of the award that apprentices should be debarred from medical benefits Some argument might be raised, but was in fact not raised, as to the quantum of such medical benefits in relation to the stipend, but considering the apprentice's short tenure of attachment and the limited amount of medical relief in any event, no practical difficulties of any magnitude arise The fact is that apprentices do work for the Bank and in many cases expect and receive absorption in the cadre

9 Emphasis has been laid by the banks upon the terms of paragraph 124 which has been reproduced above It is urged that the Tribunal having used the word "etc" after the words 'general pay scale' had thus impliedly left in the hands of the Banks not only the quantum of emoluments of the apprentices but also any benefits or amenities enjoyed by the paid apprentice It is however manifest that what has been left to the discretion of the banks to decide is whether the apprentices should be paid at all, and if so how much, and that too subject to important reservation in the latter part of paragraph 497

10 In my opinion the directions regarding medical benefits contained in paragraph 450 of the Award of the All India Industrial Tribunal (Bank Disputes), as modified by the decision of the Labour Appellate Tribunal of India are in fact applicable to paid apprentices, and I answer the Reference accordingly

11 It must however be made clear that in this award I am dealing specifically with the case of medical benefits as given under paragraph 450 of the Award, and anything that is said in this decision must not be construed as going beyond the specific matter which has been referred for interpretation

12 Now, therefore, I give my decision in terms aforesaid

Bombay,

*The 16th December, 1959*

Sd / F JEEJEEBHOOY,  
Presiding Officer,  
Central Government Industrial Tribunal

*New Delhi, the 2nd January 1960*

No LR-II-10(22)/58.—The following decision of Shri F. Jeejeebhoy Industrial Tribunal Bombay in respect of a matter referred to him under section 6 of the Industrial Disputes (Banking Companies) Decision Act, 1955 by the notification of the Government of India in the Ministry of Labour & Employment SO No 1884 dated the 20th August, 1959, is hereby published for general information

BEFORE SHRI F JEEJEEBHOOY PRESIDING OFFICER,  
THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
BOMBAY

RFF. (CGIT) No 23 OF 1959

In the matter of

Devkaran Nanjee Banking Company Limited, Surendranagar

And

then workmen

APPEARANCE

For the Bank—Shri Thanubhai Desai with Shri Haridas K. Swali

For the Union—Shri K. K. Mundal, Vice President, AIBEA with Shri J. M. Vyas, General Secretary, Saurashtra Bank Employees Union

#### AWARD

By its Order of the 20th August 1959, the Government of India in the Ministry of Labour and Employment has referred to this Tribunal a point of difficulty or doubt, which the Central Government is of the opinion has arisen as to the interpretation of paragraph 164(b)(7) of the Award of the All India Industrial Tribunal (Bank Disputes) Bombay The issue for determination is stated as follows—

'Whether the expression 'pay office' appearing in para 164(b) (7) of the Award of the All India Industrial Tribunal (Bank Disputes) will include the Surendranagar Branch of Devkaran Nanjee Banking Company Limited Bombay, and whether Shri M. H. Dagli is entitled to a special allowance of Rs 15/- (Rupees fifteen only) provided for in that para'

2 The Bank in question falls within class II, but it is said that it will be a class I Bank from 1st January 1960

3 Paragraph 164(b) (7) of the Award of the All India Industrial Tribunal (Bank Disputes) (Sastry Award) is in following terms—

"For other categories of employees, we prefer to provide by giving lump allowances (minimum) in addition to their basic pay These classes of persons are set out in the following list and the amounts payable to

them by the respective groups of banks are stated in their appropriate columns. We have made no distinction with reference to areas. We think the same is unnecessary.

Categories of employees	Class of Banks		
	A	B	C
1. Comptists	Rs. 10	10	10
2. Head Clerks and Stenographers.	Rs. 20	20	15
3. Head Cashiers: Units of 5 clerks and above.	Rs. 20	15	10
4. Head Cashiers: Units of 4 clerks and below.	Rs. 15	11	8
5. Assistant Cashier (above the level of routine clerks): Units of 5 clerks and above.	Rs. 16	14	9
6. Assistant Cashiers (above the level of routine clerks): Units of 4 clerks and below.	Rs. 12	10	7
7. Cashiers in charge of cash in pay offices.	Rs. 15	15	12
8. Cashiers in charge of cash in Treasury pay offices, employees in charge of pay offices or sub-offices.	Rs. 25	25	20

1. It is the claim of labour that the single cashier of the Surendranagar Branch of the Bank is entitled to an allowance of Rs. 15/- as being the category indicated in item 7. The Bank however denies that item 7 has any application.

5. The Surendranagar Branch of the Devkaran Nanjee Banking Co. Ltd., has the system of a single cashier for both receiving and paying. The clerk who does this work is interchangeable; and a clerk might do this work of cashier for particular months in a year, and for the rest of the period he might be employed on some other clerical work. Shri M. H. Daghli states that he was the single cashier in Surendranagar for certain periods within the last few years, and on that basis he claims a special allowance of Rs. 15/- per month in accordance with paragraph 164(b) (7) of the Sastry Award. There can be no dispute that the single cashier in Surendranagar does the work of receiving as well as paying cash; ancillary thereto he is in charge of the cash-box and the cash during the day, which are locked up in the evening in a safe, the cashier and his officer each have a key to the safe; and the safe cannot be opened unless both the keys are applied. In the cash-box are securities and pledged valuables.

6. The Bank has called as witness Shri Iswarlal M. Parikh who is in charge of the up-country branches of the Bank. He says that there are 82 branches altogether, and Surendranagar would be about the 40th or 50th in the matter of importance and in the extent of business. Previously the Bank had sub-offices, but now they have branches, that Surendranagar was not a sub-office; that the sub-offices were in charge of accountants-in-charge who were under the control and guidance of senior managers at important centres. According to him the number of cashiers in any particular place would depend upon the turn-over of cash and not necessarily on the total work of the branch. Previously wherever there were more cashiers than one, the paying cashier used to get Rs. 11 extra. But the company from 1st January 1959 gives Rs. 11/- *ex gratia* to each and every cashier provided that he both receives and pays cash; and according to this witness this payment of Rs. 11/- was previously made in compliance with paragraph 164 (b) (4) of the Award, is now made under paragraph 166 of the Award. This witness was shown a bulletin issued by his Bank, and he says he will have to find out why a number of offices shown therein as being under accountants-in-charge have not been shown as sub-offices. He says that, generally speaking, in a sub-office which means a smaller unit there used to be one cashier, and the sub-office was guided by a senior branch manager at some other centre.

7. The Bank has called as witnesses two other persons, namely, Shri Chubb, Assistant Manager of the Central Bank of India, and Shri Sahni, who is the staff officer in the central office of the State Bank of India, Bombay. Shri Chubb says that they had pay offices in 1951–53 and also branches. They still have pay offices, and the Central Bank opens pay offices in towns of lesser importance, in semi-urban areas, and rural areas where the volume of work is not so heavy. Although at first the pay office was intended to create openings for investment of funds, the Bank later decided to entrust pay offices with the work of receiving deposits and of making payments, subject of course to certain limitation prescribed

by the head office. If such limits are exceeded, the Bank considers the question of raising the status of the pay office to sub-branch or a branch taking all factors into consideration, like the importance of the town, the strength of the staff, the profit earning capacity, and possible industrial potential in or round about. In some pay offices there are single cashiers and in others there are more. The single cashiers receive and make payments, and they have also been given certain powers of attorney; they are under an officer-in-charge. The Central Bank pays allowances to cashiers-in-charge of pay offices under paragraph 164 of the Sastry Award. In their pay office the single cashier has also the duty of countersigning drafts and deposit receipts, making enquiries and financial reports on prospective borrowers, and keeping the key of the cash-box and strong room jointly with the Manager. He may also be entrusted with some checking duties. If there are more cashiers than one, one cashier does the receiving and the other cashier does the paying. The strength of the cashiers in a sub-branch of the bank or in a pay office would depend on the volume of work, but certain standards are laid down. Shri Chubb says that the Punjab National Bank has also the system of pay offices. On the whole the Central Bank would judge by the amount of deposits as to whether it should be a pay office or a sub-branch. He agrees that the allowances given to a single cashier under paragraph 164 are given because he does more work, and in some cases because he is the senior man in the pay office; as to the latter, when it was pointed out to him that the single cashier attends to the work of receiving as well as paying, he answered that he could not say what was the reason for the allowance given under paragraph 164.

8. Shri Salni who is the staff officer in the central office of the State Bank of India has stated that his Bank has branches and pay offices, but not sub-branches. He knows of pay offices only of his own bank. Their pay offices are small offices in areas where the work would not justify the opening of a branch. They also have sub-pay offices which is a one-man unit. There is also a pay office in which they have a clerk in charge and a cashier as the minimum, and if the volume of work increases then they have another clerk and another cashier and a godown keeper. The work in a pay office consists of receiving and paying money, but no drafts can be drawn on a pay office, although they can be issued by the pay office up to a certain maximum. No T.I. can be issued either by or on the pay office. The clerk-in-charge is not empowered to issue receipts for deposits. A provisional acknowledgement is given which has to be confirmed by the parent branch which is somewhere in the vicinity. No fixed deposit receipts can be issued by the pay office. They give the single cashier of their pay office an allowance of Rs. 15/. This cashier would do the work of receiving and paying cash and he will be the custodian of cash jointly with the clerk-in-charge. He will also have custody jointly with the clerk-in-charge of the gold ornaments given as security. In the Bombay circle he would also work as godown keeper and would be responsible for the goods pledged. The pay office is not a substitute for a sub-branch, and he is not aware of the sub-branches of the Lloyds Bank. In each branch they have a head cashier and at least one cashier.

9. From a perusal of the award it appears that the object of giving allowances under paragraph 164 was to compensate the single cashier who had to perform the dual duties of receiving as well as paying out cash; and according to the evidence of the Bank the question whether there should be a single cashier doing both receiving and paying in this Bank would depend on the volume of cash business. Apparently the volume of cash business at Surendranagar does not justify the appointment of more than one cashier. The single cashier has some additional duties in some banks, but obviously within his capacity, which means within appropriate workloads and without affecting his main work and responsibility.

10. The scheme of allowance as given by paragraph 164 is to give allowances appropriate to the additional work and responsibilities of the different categories. For instance, a comptist would normally do work which is little higher than that of the clerk. The head clerk, who supervises the work of other clerks is given an allowance because of the additional duties and responsibilities; assistant cashier, above the level of routine clerks, looking after 5 units and above, are given Rs. 16/-; and where the unit is 4 clerks and below an allowance of Rs. 12/- is given; then we come to the relevant item 7 which gives cashiers in charge of cash in pay offices Rs. 15/. Thus in every one of these cases the allowance is given because of some additional work done and greater responsibility undertaken. What then is the additional work or responsibility which a cashier in charge of a pay office carries and for which he is entitled to an allowance under item 7? Shri Iswardas M. Parikh of the Bank agrees that there are no head cashiers in their up-country branches and that the number of cashiers depends upon the turn-over of cash and not exactly upon the total work of the branch. In cross-examination he agreed that if the volume of cash business is the same then there would be a single cashier for a branch as well as for a sub-office. His Bank did not pay any

thing to cashiers in sub-offices in terms of the award because there was in his view no direction to that effect. In Surendranagar branch no special allowance was given to the cashier prior to the award.

11. It is a fair interpretation that the term 'pay office' has been used in paragraph 164 because a 'pay office' is the usual type of unit which would be utilising a single cashier for both receiving money and paying it out; and since the single cashier in any unity would shoulder the additional work and responsibility of paying cashier, in addition of course to the other normal functions of a cashier he has been given a special allowance. It is also evident that wherever there is a single cashier in a unit, whether you call that unit a branch or sub-branch or pay office, the volume of cash work is limited. The term 'pay office' has different equivalents in some banks. In all essential aspects of cash work there is no difference between the single cashier of the Surendranagar branch or of the pay offices of the Central Bank or of the State Bank of India. In all these banks the single cashier does the dual work of receiving cash and making payments, and is also responsible for the security box and for the cash and securities in it; and in respect of all the three banks the cash and the securities after check up are deposited within the safe, of which there are two keys, one held by the single cashier and the other by the manager or other Superior officer as the case may be. The safe requires both the keys to be applied before it can be opened. In the Central Bank the single cashier does some additional duties within his capacity namely, the reporting on the standing of prospective borrowers, and some checking work. In the Bombay circle of the State Bank the single cashier also acts as godown keeper.

12. It has been argued that because of the additional duties given to the single cashier of a pay office of the Central Bank, and the duties of godown keeper given to the single cashier of the pay office of the State Bank in the Bombay circle, I must draw a distinction between them on the one hand and the single cashier of the Surendranagar branch. It is urged that since the single cashier at Surendranagar branch does not do these additional items of work he cannot lay claim to such an allowance. It must however be appreciated that the system of work varies from Bank to Bank; in some places the work of receiving and paying cash may be heavier than in other places. But the fact remains that the award has given the allowance to single cashier without any reference to any additional work which might be given to him. In effect, where the single cashier in a unit is essentially employed in the work of a receiving-cum-paying cashier he is entitled to the allowance, and his essential work as a single cashier would be the receiving and paying out of cash, the security of the cash, and the safe custody of documents and pledged articles, and ancillary duties and responsibilities. These are his principal functions. It may be that in some banks he is given some additional work and has the available time for it, but the allowance which has been given relates to his principal functions as a single cashier.

13. It has been urged on behalf of the Bank that unless a unit of a Bank is designated as 'pay office' the single cashier therein would not be entitled to the allowance. The term 'pay office' has not been defined, because different banks have different designations for units in which the cash work of receiving and paying cash can be completely done by a single cashier. This has been recognised by the Labour Appellate Tribunal when hearing the Appeals against the award. In paragraph 140 of its Decision the Labour Appellate Tribunal says—

"In the course of the hearing before us it appeared that the nomenclature by which particular categories of employees are described differs from bank to bank. With a view to avoiding disputes between banks and their employees as to whether a particular category of employee is entitled to a special allowance under the Award or not, we asked the banks to supply us with statements of the different names given to categories of employees for whom special allowances have been provided by the Sastry Award. The following statements were filed"

(Here follows a statement of 12 Banks which filed the statements).

The decision proceeds—

"For purposes of record we summarise below the information derived from these statements:—

Categories as described in the Sastry Award	Equivalent names according to the Bank's statements
7. Clerks in charge of cash in pay offices.	Cashier in charge of cash in sub-branch (Lloyds Bank Ltd.)

At the end of the paragraph the Labour Appellate Tribunal said:—

"These equivalents are helpful but do not exhaust the subject; and in the absence of data on the record we must leave it to the banks to pay the appropriate allowances having regard to the duties and responsibilities of post".

14. There is no record as to what the other Banks said about equivalent names against item 7. But it cannot be denied that the State Bank of India, the Central Bank, the Punjab National Bank, and many other have either 'pay offices' or units which correspond thereto for the purposes of the allowance. In Lloyds Bank the equivalent of a cashier in a 'pay office' is 'cashier' in charge of cash in Sub-Branch'.

15. It thus seems clear in this matter of interpretation that the description in paragraph 164(b) (7) "Cashier in charge of cash in pay offices" was intended to carry the connotation of a single cashier who did the work of receiving and paying cash in a unit of a bank where the dual work of receiving and of paying cash could be done by a single cashier. What was the object of the allowance? It was to compensate the single cashier for doing the combined work of receiving and paying cash in such unit; it was fitting that an allowance should be given for the additional duties and responsibilities involved in paying out cash. If in item 7 the words "pay office" were intended to have a restricted meaning, referring only to those units to which had been given the actual designation "pay office", then paragraph 140 of the Labour Appellate Tribunal's decision would be meaningless. If the Bank's argument was accepted, any bank could with impunity avoid payment of the allowance under item 7 by the simple expedient of calling its 'pay offices' by some other name.

16. I would therefore answer the issue in the following terms:—

The expression "pay office" appearing in paragraph 164(b) (7) of the award of the All India Industrial Tribunal (Bank Disputes) would include the Surendranagar Branch of the Devkar Nanjee Banking Co. Ltd., Bombay, and Shri M. H. Dagli is entitled to a special allowance of Rs. 15/- provided for in that paragraph during those periods in which he was acting as the sole cashier for receiving and paying moneys in that branch.

17. As regards the sum of Rs. 11/- which is being paid by the Bank from 1st January, 1959 to the single cashier who does the work of receiving and paying cash at the Surendranagar branch, I take the view that it is a belated and partial attempt to give the allowance under paragraph 164(b) (7) of the Sastry Award. The Bank has called it ex-gratia payment, presumably to avoid acknowledging the application of this provision to its lesser units.

18. I hereby give this Decision and the Reference is answered accordingly.

F. JEEJEBHOV,  
Presiding Officer,

Bombay, 22nd Dec. 1959.  
Central Government Industrial Tribunal.

P. R. NAYAR, Under Secy.

New Delhi, the 1st January 1960

No. M18(59)59.—It is hereby notified that with immediate effect the "Chief Inspector of Mines in India" will be known as the "Chief Inspector of Mines" and the "Department of Mines" under the Ministry of Labour and Employment will be known as the "Office of the Chief Inspector of Mines."

A. P. VEERA RAGHAVAN, Under Secy.